

Message Text

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PAGE 01 OTTAWA 01054 202204Z

21

ACTION EUR-12

INFO OCT-01 ISO-00 FEA-01 ERDA-05 AID-05 CEA-01 CIAE-00

CIEP-01 COME-00 DODE-00 EB-07 FPC-01 H-02 INR-07

INT-05 L-02 NSAE-00 NSC-05 OMB-01 PM-03 SAM-01 OES-03

SP-02 SS-15 STR-01 TRSE-00 FRB-03 PA-01 PRS-01 USIA-06

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R 202150Z MAR 75

FM AMEMBASSY OTTAWA

TO SECSTATE WASHDC 5967

C O N F I D E N T I A L OTTAWA 1054

E.O. 11652: GDS

TAGS: SENV, CA

SUBJECT: EASTPORT REFINERY

1. EMBASSY HAS RECEIVED COPY OF MAINE ENVIRONMENTAL PROTECTION BOARD MARCH 12 ORDER CONCERNING PITTSTON APPLICATION FOR REFINERY AT EASTPORT (COPY POUCHED TO EUR/CAN). EMBASSY NOTES WITH PARTICULAR INTEREST PARAGRAPH 4 ON PAGE 18 OF THE ORDER, WHICH STATES: "PITTSTON SHALL EXECUTE APPROPRIATE AGREEMENTS OR OTHERWISE SECURE APPROVAL OR PERMITS FROM APPROPRIATE CANADIAN AUTHORITIES (1) REGARDING TRANSIT THROUGH AND PILOTAGE IN CANADIAN WATERS, AND (2) INSTALLATION, CONSTRUCTION, MAINTENANCE AND USE OF NAVIGATIONAL AID IN CANADIAN TERRITORY, OR PROVIDE TO THE BOARD CERTIFICATES FROM SUCH OFFICIALS STATING THAT NO SUCH AGREEMENTS, APPROVALS OR PERMITS ARE REQUIRED."

2. UNDERSTANDABLY, GOC OFFICIALS HAVE STATED TO EMBOFFS THAT THEY ARE IMMENSELY PLEASED AT THIS PROVISION, WHICH THEY INTERPRET AS GIVING GOC A VETO OVER TRANSPORT THROUGH HEAD HARBOR PASSAGE IN RELATION
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PAGE 02 OTTAWA 01054 202204Z

TO THE PITTSTON REFINERY. TO EQUIP US TO HANDLE

QUESTIONS ON THIS PROVISION, EMBASSY WOULD GREATLY APPRECIATE LEGAL ADVISER'S OPINION AS TO WHETHER OR NOT IT IS CONSIDERED ULTRA VIRES FOR A STATE BOARD TO REQUIRE A PRIVATE U.S. FIRM TO CONCLUDE NEGOTIATIONS WITH A FOREIGN COUNTRY AS A SPECIFIC CONDITION FOR THE BOARD'S APPROVAL OF AN INDUSTRIAL APPLICATION. EMBASSY WOULD ALSO APPRECIATE THE DEPARTMENT'S OPINION CONCERNING THE LEGALITY OF THE BOARD'S ACTION IN, IN EFFECT, GRANTING TO CANADA THE RIGHT TO DEFINE INNOCENT PASSAGE THROUGH HEAD HAROBER PASSAGE.
PORTER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AGREEMENTS, MARINE TRANSPORTATION, REFINERIES, NAVIGATIONAL AIDS
Control Number: n/a
Copy: SINGLE
Draft Date: 20 MAR 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ElyME
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975OTTAWA01054
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750099-0009
From: OTTAWA
Handling Restrictions: n/a
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ISecure: 1
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Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

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Subject: EASTPORT REFINERY
TAGS: SENV, CA
To: STATE
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Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006